IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 1633 of 2005

Between:

Venna Laxmaiah,. S/o. Sri Chinna Venkateshwarlu,
R/o. P. Dhornala, Prakasham Distrit.

..... PETITIONER

AND

1 The APSRTC, Rep. by its Vice Chairman and Managing Director
Musheerabad, Hyderabad.
2 The APSRTC, Rep. by its Regional Manager,
Ongole, Prakasam District.
3 The APSRTC, Rep. by its Regional Manager,
Kurnool, Kurnool District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or orders more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 1 and 2, herein not accepting the application of the petitioner and not considering the petitioner for the post of driver Gr-II against the quota earmarked for the ex-drivers those who are removed from service for being in possession of non-genuine driving licenses, against notification dt.
8-11-2004 and as per the circular No. PD-43/2000, dt.11-8-2000, is arbitrary, illegal and consequently direct the respondents to consider the petitioner for the post of Driver against the vacancies notified vide notification dt. 08-11-2004 as per law and appoint the petitioner if he is otherwise eligible.

Counsel for the Petitioner:MR.ANDAPALLI SANJEEV KUMAR

Counsel for the Respondents: MR.R.MANMADHA REDDY, Standing Counsel for APSRTC

The Court at the stage of admission made the following ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel for APSRTC appearing for the respondents.

This writ petition is filed by the petitioner questioning the action of the respondents in not accepting and not considering his case for the post of Grade-II Driver against the quota earmarked for the ex-drivers, who were removed from service for being in possession of non-genuine driving licenses, in pursuance of the notification dated 08-11-2004 and as per the Circular No.
PD-43/2000, dated 11-08-2000.

The petitioner was appointed as a Grade-II Driver in the respondents Corporation on 16-04-1996 under the direct recruitment quota. He was removed from service with effect from 26-11-1997 on the ground that his driving license was not a genuine one. As per the Circular No.PD-43/2000, dated 11.08.2000 issued by the respondents, certain guidelines were framed with regard to the consideration of the case of the drivers, who were already removed from service for being in possession of non-genuine driving licenses. Thereafter, the petitioner obtained a genuine driving license and approached the third respondent to consider his case afresh. While so, the respondents Corporation issued a notification dated 08-11-2004 calling for the applications from the eligible candidates but the petitioner's application was not accepted. Hence, the present writ petition.

No doubt, the petitioner was selected as a Grade-II Driver in the regular selection process in 1996 but he was removed from service with effect from 26-11-1997 on the ground that he did not possess a genuine driving license. Thereafter, the

respondents issued the circular vide No.PD-43/2000, dated 11-08-2000 framing certain guidelines with regard to the action to be taken in respect of the drivers, who were already removed from service for being in possession of non-genuine driving licenses. In the said circular, it was also mentioned that the applicants were asked to produce the driving licenses before the Regional Manager concerned on or before 30.11.2001, so that their cases would be considered.

Admittedly, there is no averment mentioned in the affidavit that in pursuance of the Circular No.PD-43/2000, dated 11.08.2000, the petitioner submitted his genuine driving license before the Regional Manager concerned on the specified date. Since the time, as fixed by the Corporation, has elapsed, the selection process was over and the persons were already selected in pursuance of the notification dated 08-11-2004, the question of consideration of the petitioner's case does not arise. He cannot have any enforceable right to question the said notification as he slept over the matter for three years and at this point of time, this Court cannot direct the respondents to act contrary to the guidelines mentioned in the circular dated 11.08.2000. Therefore, the writ petition is devoid of merit and the same is liable to be dismissed.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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(K.C.BHANU, J)

7th MARCH, 2005.

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To

1 The Vice Chairman and Managing Director, APSRTC,
Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC,

Ongole, Prakasam District.
3 The Regional Manager, APSRTC,
Kurnool, Kurnool District.

4 Two CD copies.